

**EXHIBIT B - CONDITIONS OF APPROVAL
MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
DRC2015-00129 DEPARTMENT OF PUBLIC WORKS / PICCUTA**

Approved Development

1. This approval authorizes:
 - a. Construction of a groundwater remediation system including: one 380-square-foot treatment facility with utility connections to the adjacent flare station, installation of ten groundwater extraction wells, one above-ground airline, one above-ground water collection line, one waterline discharge piping from the treatment system to the existing storm water basin located near the flare station, fencing, and emergency lighting.
 - b. Maximum height of the treatment facility is 25 feet from average natural grade.
 - c. All new groundwater extractions wells shall be setback a minimum of 25 feet from the upland edge of riparian vegetation; the treatment facility shall be setback a minimum of 45 feet from the upland edge of riparian vegetation. This setback shall be shown on all applicable plans.

Conditions required to be completed prior to site disturbance

Site Development

2. **Prior to site disturbance**, plans submitted shall show all development consistent with the approved site plan, floor plan, and shall show the treatment facility to be located on the existing paved area immediately adjacent to the north of the existing flare station.
3. **Prior to site disturbance**, plans shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **Prior to site disturbance**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project.

Grading, Drainage, Sedimentation and Erosion Control

5. **Prior to site disturbance**, the applicant shall submit a complete drainage plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. Drainage plans should be designed to retain water on-site and encourage infiltration when feasible and consistent with the existing drainage plan as described in the Post Closure Maintenance Plan for the landfill.
6. **Prior to site disturbance** the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with Coastal Zone Land Use Ordinance Section 23.05.036.
7. **Prior to site disturbance**, the applicant shall show the 100 year flood hazard boundary on the project plans.

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8. **Prior to site disturbance**, the applicant shall submit evidence to the Department of Public Works that all new structures comply with County flood hazard construction standards.

Storm Water Control Plan

9. **Prior to site disturbance**, the applicant shall demonstrate whether the project is subject to the CZLUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
10. **Prior to site disturbance**, a storm water pollution plan and well monitoring plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to construction.

Conditions to be completed prior to construction/ground disturbing activities.

Air Quality

11. **AQ-1 Prior to construction/ground disturbing activities**, the applicant shall ensure that a geologic evaluation has been conducted for naturally-occurring asbestos. If asbestos is present, the applicant would comply with Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements include, but are not limited to implementation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Environmental Health

12. **Prior to construction/ground disturbing activities**, the applicant shall contact the Department of Environmental Health to obtain all applicable permits, including a permit for the drilling of new groundwater extraction wells.

Biological Resources

13. **BR-2 Biological Resources Protection.** Within 24 hours prior to initial ground disturbance, including any clearing, grubbing, and grading, and daily thereafter during activities that disturb vegetation, a qualified biologist shall survey the limits of disturbance for special-status wildlife. If discovered, special-status resources are observed during monitoring, all construction activities that could impact the species shall be halted immediately until the species moves out of harm's way of its own volition, or until the appropriate agencies have provided guidance on how to proceed.
14. **BR-3 Nesting Bird Protection.** To protect sensitive bird species and those species protected by the MBTA, the County should avoid vegetation clearing and earth disturbance during the typical nesting season (February 15 to September 1). If avoiding construction during this season is not feasible, a qualified biologist shall survey the area within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive, passerine bird species, and a 250-foot buffer will be implemented for raptor species, and all activity will remain outside of that buffer until the qualified biologist has determined that the young have fledged. Buffer reductions and/or work within non-disturbance buffer areas can be completed at the discretion of the qualified biologist based upon existing site conditions and determination that work is unlikely to adversely impact the active nest(s) or disrupt breeding behavior. All work within reduced buffer areas shall be completed under the observation of a designated nest monitor. If an active nest of a sensitive bird species is identified on site, no work will begin until an appropriate buffer is established that avoids

disturbance and/or nest failure (i.e., take) in coordination with the appropriate resource agencies.

15. **BR-4 Riparian Corridor Protection.** In order to minimize indirect impacts to the adjacent Warden Creek riparian corridor and the species it supports, any clearing, grubbing, and grading required will be scheduled during the non-rainy season (typically April 15 to October 15), to the extent feasible.
16. **BR-5 Monarch Butterfly Protection.** To avoid indirect impacts to monarch butterflies, construction of wells 1 through 4 should be avoided as feasible during the monarch butterfly wintering period (November to February). However, if work is scheduled to occur during this time, sufficient dust control measures shall be implemented to minimize dust emissions and associated impacts to any eucalyptus groves within or directly adjacent to project-related ground disturbance.

Hazards and Hazardous Materials

17. **Prior to construction/ground disturbing activities,** the applicant shall contact the Department of Resources Recycling and Recovery (CalRecycle) to ensure compliance with the postclosure land use criteria contained in Title 27 of California Code of Regulations (27 CCR), Section 21190.
18. **HAZ-1 Well Installation Work Plan.** Prior to initiation of construction the County shall develop a Well Installation Work Plan (Work Plan) that includes at minimum, the following elements:
 - a description of the well drilling permits required;
 - well construction measures;
 - well development measures;
 - drill cuttings, drilling fluids, and well development water handling, testing and disposal methods;
 - testing methods (e.g. EPA Method 6000) to be used to determine if the materials can be disposed of onsite or must be hauled offsite;
 - description of the temporary disposal basins (e.g. CalTrans Storm Water Quality Handbooks, WM-8 BMPs); and
 - approximate schedule.

Conditions to be completed during project construction

Biological Resources

19. **BR-1 Implement Best Management Practices (BMPs).** Biological BMPs will be implemented during all ground disturbance and construction-related activities to avoid or minimize project impacts on biological resources. These BMPs will include but are not limited to the following:
 - a. Prior to ground disturbance of any kind the project work areas shall be clearly delineated by stakes, flags, or other clearly identifiable system; these delineations shall be kept in good working order during construction.
 - b. Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.
 - c. No vehicles or equipment shall be refueled within 100 feet of an ephemeral drainage or wetland unless it is within a pre-approved bermed and lined refueling area. Any vehicles driven and/or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks of materials. Any leaks or spills found will be immediately cleaned up and disposed of properly.
 - d. All general trash, food-related trash items (e.g., wrappers, cans, bottles, food scraps, cigarettes, etc.) and other human-generated debris scheduled to be removed weekly

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will be stored in animal-proof containers and/or removed from the site each day. No deliberate feeding of wildlife will be allowed.

- e. All vertical piping shall be temporarily capped during construction and then permanently capped during operations. Prior to capping or taping the pipe/ culvert shall be inspected for the presence of wildlife. If encountered the wildlife shall be allowed to escape unimpeded.
- f. To prevent harassment or mortality of listed, special-status species and common wildlife, or destruction of their habitats no domesticated animals of any kind shall be permitted in any project area.
- g. Use of chemicals, fuels, lubricants, or biocides will be in compliance with all local, state and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation,
- h. Avoiding and minimizing vegetation removal outside of active construction areas. This could include flagging of sensitive vegetative communities or plants, as applicable. Any vegetation removal shall necessitate a revegetation plan for native plant species.

Archaeology

20. **During construction**, in the event archaeological resources are unearthed or discovered, the following standards apply:
- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be evaluated by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. The applicant shall implement the mitigation as required by the Environmental Coordinator.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Conditions to be completed prior to final building inspection /establishment of the use

Fire Safety

21. **Prior to final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire/County Fire of all required fire/life safety measures.

Development Review

22. **Prior to final inspection of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Revegetation

23. **Prior to final building inspection**, if any native vegetation is removed, revegetation with native species shall be installed consistent with the vegetative cover requirements in the existing Post Closure Maintenance Plan for the landfill.

On-going conditions of approval (valid for the life of the project)

Hazards and Hazardous Materials

24. **HAZ-2** No cuttings, drilling fluids, or well development water, shall be disposed of onsite unless the RWQCB has approved of the disposal method and location.
25. **HAZ-3** Treated groundwater will be stored in trucks or baker tanks and hauled to an appropriate disposal facility until it is shown, to the satisfaction of the RWQCB, that the water can be discharged into the onsite storm water basin.
26. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.